Education
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(194) Departme

M SERIES.

G.O. No. 2403

9

Dated 9-5-1941

[Despatch Abstract.]

Building rules - Mangalore Municipality - Yusuf Beary - Building
- Rule 8 - Exemption - Refused.

DEPARTMENT.

Received ..... 19 *Registered* 19

Subject.

Rules - Building Rules - Rule No.8 -- Waiver of - Requested.

Read 25/1

ENCLOSURES.
No. Two
Spare copies

Ref:C4No. 809/40

Station Mangalore, *Dated the* 15th January 1941.

From (Name) Sri M. Narayana Shenoy, B.A.,B.L.,
(Designation) Commissioner,Mangalore Municipality, MANGALORE.

To The Secretary to the Government of Madras, EDUCATION & PUBLIC HEALTH Department.
Through
The Director of Town Planning,Madras,&
The Vice-Chairman,M.C. in charge under Section 18 (2) of the Act, Mangalore.

The following case is submitted to Government for exemption from Rule 8 of the Building Rules.

An open shed which was originally used as a store-room has been reconstructed in T.S.No. 588 of 9th ward into a dwelling house by one M.Yusuf Beary. License had to be refused to the party as the building abutted on the street. But as the work was completed by the party he was prosecuted and sentenced to a fine of Rs.5/-.

In the appeal preferred by the party to the council, the Committee has recommended that the case deserves

some consideration and has therefore recommended that license may be granted to the party with the approval of Government. This recommendation of the committee was accepted by the council in its Resolution No.62, dated 27th November 1940. A copy of the report of the committee with a copy of the Resolution No.62 dated the 27th Novr. 1940 of the council is enclosed.

As already stated above the shed was an existing one. It was reconstructed and converted into a dwelling house. The only objection to the grant of license is the 4 ft space to be left from the road margin.
I am to request that for reasons appearing in the committee's report Government may be pleased to condone the action of the party and permit the council to issue license.

Commissioner, M.M.

F o r w a r d e d:

Dated..

Vice-Chairman, M.C.
in charge.

HDU:15/1/41.

Compd:-

DESPATCHED
20 JAN 19..

Report of the committee appointed as per council resolution No 46 dated the 11th March 1940 in respect of appeal petition dated the 29th Februry 1940 from M.Yusuf Beary against the order of the Commissioner refusing license for the construction of a building in T. S.No. 588 of 9th ward.

========

The building was inspected by two members of the Committee Mr. R.B.C.D. Andrade and B.Venkatarao Baliga. The appeal petition shows that the shed was originally a shed for collecting and heap up scrape iron". At the time of inspection the building was converted into a dwelling house, shop and meals hotel - This amounts to "reconstruction" according to the Act and there was no justification for proceeding with any work before obtaining license, the building has now been constructed the applicant has now applied for license. The point for consideration is whether license should be granted to the appellant.The only serious objection is that he has not left 4 ft space which he is bound to leave since there cannot be any doubt to the work done amounts to "reconstruction" On the southern side the building is separated from the road by a deep drain about 3 or 4 ft wide and the outer southern wall of the building is on the northern side of the drain on the eastern side also there is a drain which is narrower. There is no possibility of the road being widened at this place considering the fact that there is a drain about 3 to 4 ft in width between the building and the road on one side and a narrower drain in the eastern side the committee thinks that in this case justice may be tempered with mercy andthe Government may be addressed to waive the 4 ft rule in this case and if the Government complies with the request

license may be granted. Recommended accordingly.

It must however be observed that there is some reason to apprehend that there may be some encroachment on the Azizuddin road - The Town Surveyor will be asked to report - If there is any encroachment it must be got removed.

22nd November 1940. Sd/B. Venkatarao Baliga,
Chairman, M.C.

/True Copy/

Municipal Office,
Mangalore, 11.1.41. Commissioner, M.M.

Compd:--

HDU; 15/1/41.

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 27th Novr. *19* 40

Resolution No. 62.

Read: Council resolution No.46, dated the 11th March 1940 referring to a committee appeal petition dated the 29th February 1940 from M.Yusuf Beary against the orders of the Commissioner refusing license for the reconstruction of a building in T.S.No. 588 of 9th ward and the Committee's recommendation that the Government be addressed to waive 4 ft rule in this case for reasons stated and if

the Government

the Government grant the request license be granted to the appellant.

Committee's recommendation is accepted and Government to be addressed.

x x x

Sd/B. Venkatarao Baliga,
Chairman, M.C.

/ True Extract /

Municipal Office, Mangalore,
Dated the 11th January 1941.

Commissioner, M.M.

HDU: 15/1-41

Town Planning Department

From (Name) Sri. Rao Bahadur S.G.Grubb, B.A.,
Designation Ex-Officio Director of Town Planning,
Station Madras.

Received 1.1 Registered

To

The Secretary to Government,
Education & Public Health
21250 Department.

Enclosures:

No. 443 dated 27--5-- 194 1.

SECRETARIAT TO GOVT. 3 - JUN 1941 EDUCATION & PUBLIC HEALTH DEPT.

Sir,

Sub: Building - Mangalore - Yusuf Beary - T.S. 588 - Store room reconstruction into dwelling house - exemption rule 8.
Ref: From Commissioner, C4-899/40 dated 15-1-41.

Plan G

The case relates to an unauthorised construction of a dwelling house,-shop and meals hotel,in a site occupied by a shed used as a store room without leaving any open space between the house and the street edge (Azizuddin road). For the unauthorised construction the party was prosecuted and fined. The report of the Committee appointed by the council to consider the appeal mentions that the work amounts to reconstruction, that there was no justification for proceeding with any work before obtaining licence and that the party has not left 4' space in front which he is bound to leave according to the rules. It however recommended the case for exemption for the reasons that the building is separated from the road on the south side by a deep drain about 3 to 4 feet wide and from the road on the eastern side also by a drain which is narrower and that there is no possibility of the roads being widened at the place. The council has accepted the committee's recommendation to address Governmen for exemption.

2. In his original letter RC.4 No.849/41 dated 15-1-41, the Commissioner had stated that "the only objection to the grant of licence ~~xxxx~~ is 4' space to be left from the road margin" according to rule 8 of the Building Rules. In the subsequent letter to this office dated 22-4-41, he mentions that the plinth of the building is 2 to 4 feet below the road level, while it must be 18" above the level and that there is no space in the rear. So much so, the building contravenes not only rule 8 but also rules 7(a) and 24 of the Building Rules.

P 10 infra

3. Even according to the new draft rules for non-extension areas issued in G.O. 1854 P.H., dated 4-5-40, the construction will not be permissible as it contravens rules 7(1), 10(3)(a). and 10(3)(b). Only there is nothing in the rules to prevent the construction up to the edge of the streets which are more than 24' width.

not put up

4. In the circumstances that the site of building is at the junction of two roads where the 4 ft. space between the buildin and the edge of roads required by rule 8 is particularly necessary and even the corner of the site should be suitably splayed off for proper traffic vision, and that rules 7(a) and 24 are not also satisfied, the granting of licence to the building is objectionable. There is no justification for exempting the building from the operation of any of the Building Rules.

5. Copies of this office letter D.T.P.No.403/41 dated 26-2-41 and the Municipal Commissioner's reply thereon dated 22-4-41 are enclosed.

P 10 infra

Rowlandson.

for Ex-Officio Director of Town Planning, Madras.

2.6.41

ve.31-5.

D. T. O.

Copy of letter No. D.T.P.443/41 dated 26-2-41 from the Ex-Officio Director of Town Planning, Madras, to the Commissioner, Mangalore Municipality.

Sub: Buildings - Open shed reconstructed as store room abutting street - violation of rule 8 - M.Yusuf Beary.
Ref: Your No.MC.4-809/40 dated 15-1-41 to Government.

Please report on the following points.-

i) the width of Azizuddin road and of the cross road on which the building fronts or abuts.

ii) whether the town surveyor has reported on the question of encroachments on the Azizuddin road apprehended by the town planning committee;

iii) whether the site lies in a built up area of the town (non-extension area);

iv) whether the construction will satisfy all requirements of the new draft rules for non-extension areas issued in G.O.No.1854 P.H., dated 4-5-1940.

Copy of letter No. C4-809/40 dated 22-4-41 from the Commissioner, Mangalore Municipality to the Ex-Officio Director of Town Planning., Madras.

Sub: Building - Open shed reconstructed as store room - violation of rule 8
Ref: Your D.T.P. 443/41, dated the 25th February 1941.

The information on the points raised by you is furnished seriatim.

1. The width of the Azizuddin Road in front of the building is 30 ft. and that of the cross road 31 ft.
2. The town Surveyor has reported on the encroachment and separate action is being taken.
3. The site is in a built up area of the town.
4. The building in question violates some of the draft rules issued with G.O.No. 1854 P.H., dated the 4th May 1940. Rule 7(1) The plinth is 2 to 4 ft. below the road level while it must be 18" above the level. There is no space at the rear as required under rule 10(3)(a) and (b). The other rules may be taken as fulfilled. The building is used partly as a residence and partly as a shop.

C.F. 16.

E & P.H. Dept.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	8/9/6	
When copied ..		W 9/6
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Building Rules - Mangalore mpty - Yusuf Beary - Building - Rule 8 - Exemption - Refused.

READ AGAIN ....., dated ..... 19 .....

" " ..... " ..... 19 .....

READ *ALSO* :—

No. 21250 From the Commr. Mangalore mpty. No. CL 509/40 dated 15-1-1941 PIC.F

" ..... " ..... " ..... " ..... 19 .....

" ..... " D. T. P. " 443 " 27-5-1941

Order ~~Resolution~~ Ms. No. 2400, dated 9. 6. 1941 PGC.F. 19 41

D.G.

D/1 8/6.

To DPS with files Ky 10/6.

The Commr. Mangalore mpty.
thro. the Chairman M.C.
(with one file returned).

D. T. P.

(V)

The Govt. decline to exempt from the operation of the Building Rules, the building constructed by Yusuf Beary in T.S. No. 588, IX ward, Mangalore from the operation of the Building Rules.

4.6. Ms 4.6.41

Ms 6/6

Note. Please see the remarks of the D.T.P. on P 9 C.F. He does not recommend exemption.

Ms 6/6

Ms 4.6.

Ms 4.6.41